

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

John Byrd,)
)
Plaintiff,)
)
vs.)
)
John Ozmint, Director, South)
Carolina Department of Corrections,)
)
Defendant.)

OPINION AND ORDER

This matter is before the court for review of the Reports of United States Magistrate Judge Bruce H. Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Reports to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendations of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (West Supp. 2006).

The Plaintiff filed no objections to the Reports. In the absence of objections to the Reports of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendations. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Reports and the record in this case, the court adopts Magistrate Judge Hendricks' Reports and incorporates them herein. It is therefore

ORDERED that the Plaintiff's motion for summary judgment is denied. It is further

ORDERED that this action is dismissed for lack of prosecution.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
July 12, 2006

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.